



92 AF

Response under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 3721

PATENT
ATTORNEY DOCKET: 47121-0097

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Heikki SAHA) Confirmation No.: 6390
Application No.: 10/824,606) Group Art Unit: 3721
Filed: April 15, 2004) Examiner: T. Truong
For: ROCK DRILLING RIG AND ROCK)
BREAKING MACHINE)

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop AF
Alexandria, VA 22314

Sir:

**NOTICE OF APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the
decision of the Examiner dated August 1, 2006 rejecting claims 1-10.

1. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. §
1.136(a) apply.

- ☒ Applicant believes that no extension of time is required. However, this
conditional petition is being made to provide for the possibility that Applicants
have inadvertently overlooked the need for a petition and fee for extension of
time.

11/01/2006 SZEWDIE1 00000020 10024606

01 FC:1401

500.00 OP

- ☐ Applicant requests an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

If an additional extension of time is required, please consider this a Petition therefor.

2. Notice of Appeal Fee – 37 C.F.R. § 41.20(b)(1)

- ☒ The fee in the amount of \$500.00 to cover the Notice of Appeal fee is enclosed.
- ☐ The Commissioner is authorized to charge the Notice of Appeal fee of \$500.00 to Deposit Account No. 50-0573.

3. Fee Payment

- ☒ Enclosed is a check in the amount of \$500.00, representing the notice of appeal fee.
- ☐ The Commissioner is authorized to charge Deposit Account No. 50-0573 in the amount of _____ for the Notice of Appeal fee.

4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

Dated: October 31, 2006

By: 

Peter J. Sistare

Registration No. 48,183

Customer No. 055694
DRINKER, BIDDLE & REATH LLP
1500 K Street, N.W., Suite 1100
Washington, D.C. 20005-1209
Tel: (202) 842-8800
Fax: (202) 842-8465